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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/320,669 05/27/99 CHRISTY

J / 2844-Z

EXAMINER

PM82/0403

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PEZZUTO, R

ART UNIT

PAPER NUMBER

3671

DATE MAILED:

04/03/00

*4*

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/320,669

Applicant(s)  
Christy

Examiner  
Robert Pezzuto

Group Art Unit  
3671



☐ Responsive to communication(s) filed on \_\_\_\_\_

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-6 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-6 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 2-4 are objected to because of the following informalities: Claims 2-4 are in independent form however it appears that they should depend (in some manner) from claim 1. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1-6 are replete with errors under 35 U.S.C. 112, second paragraph too numerous to mention specifically, however, examples of such errors are as follows:

In claim 1, line 3, applicant claims "...the first hitch connection...", on line 4, the applicant claims "...the implement hitch point..." and on lines 4-5, applicant claims "...the corresponding hitch point...the receiver...". There is no prior mention of "a first hitch connection", "an

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implement hitch point”, “a corresponding hitch point” or “a receiver” and therefore the claimed subject matter lacks proper antecedent basis.

In claim 4, applicant claims “Any of various means...”. This phrase inherently unclear in that it does not allow one to determined the metes and bounds of the claimed limitation and also may encompass features/limitations not disclosed by the specification. The lack of clarity renders the claimed subject matter indefinite.

In claim 5, line 4, applicant claims “...the vehicle frame...”, on lines 4-5, applicant claims “...said vehicle mounted frame..”, on line 16, applicant claims “...said hydraulic piston and cylinder...” and on line 23, applicant claims “...said hydraulic pump motor...”. There is no prior mention of “a vehicle frame”, “a vehicle mounted frame”, “a hydraulic piston and cylinder...” or “a hydraulic pump motor and therefore the claimed subject matter lacks proper antecedent basis.

In claim 5, line 9, applicant claims “...its lower end...”. There is a prior mention of several features/limitations and it may be unclear as to which feature/limitation the “its’ refers. It is recommended that the “its” be replaced with “the/said(feature)”.

As mention above, these are *examples* of errors under 35 U.S.C. 112, second paragraph and each claim should be revisited and revised as necessary.

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***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3 and 4 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Merhar '673, Berghefer '452 or Knowlton et al.'603.

5. Claim 2 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Staben, Jr.'144 or Barden '917.

***Conclusion***

6. Any inquiry concerning this communication should be directed to Robert Pezzuto at telephone number (703) 308-1012. The examiner can normally be reached Monday through Thursday from 7:00 am to 5:00 pm, Eastern Standard Time.

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7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr Thomas B Will, can be reached on (703) 308-3870. The fax phone number for this Group is (703) 305-7687



Robert Pezzuto

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April 3, 2000